

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE WINKELMAN,	:	
	:	Crim. No. 4:CR-01-304
Petitioner,	:	
	:	
v.	:	(Judge McClure)
	:	
UNITED STATES OF AMERICA	:	
	:	
Respondent.	:	

**M E M O R A N D U M**

August 9, 2010

**BACKGROUND:**

On June 18, 2003, a jury in the Middle District of Pennsylvania found defendant George A. Winkelman guilty of five counts related to narcotics trafficking. On November 12, 2003, we sentenced defendant George Winkelman to a term of imprisonment of 720 months.

Winkleman appealed his conviction. On May 18, 2006, the United States Court of Appeals for the Third Circuit affirmed his conviction, but vacated the sentence and remanded the case for resentencing under United States v. Booker, 543 U.S. 220 (2005). On October 17, 2006, we resentenced George Winkelman to a term of imprisonment of 480 months. George Winkelman appealed the sentence

but later moved to withdraw the appeal and the Third Circuit granted his motion to withdraw on January 19, 2007.

On February 23, 2007, George Winkelman filed a motion and supporting brief under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence. (Rec. Doc. Nos. 1020-21). On March 10, 2008, we denied Winkelman's § 2255 motion. (Rec. Doc. No. 1076).

Winkelman filed several motions with the court, a "Motion for Fraud Upon the Court Pursuant to Rule 60(b)(6)," Motion for Discovery, a Motion to Appoint Counsel, and a "Motion for Expedited Decision on Petitioner's Motion for Appointment of Counsel." On July 7, 2010, we denied all of Winkelman's motions. (Rec. Doc. No. 1132).

In our order of July 7, we neglected to make a determination as to whether a certificate of appealability should issue. As a result, on July 28, 2010, the Third Circuit remanded the matter to us for the sole purpose of either issuing a certificate of appealability or stating reasons why one should not issue. (Rec. Doc. No. 1136).

There is no basis for the issuance of a certificate of appealability. In addition to the reasons for the denial of his motion in our July 7, 2010 order, Winkelman has not made a substantial showing of the denial of a constitutional

right. 28 U.S.C. § 2253(c)(2).

s/James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge

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United States of America,	:	
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**O R D E R**

August 9, 2010

For the reasons set forth in the accompanying memorandum,

**IT IS ORDERED THAT:**

There is no basis for the issuance of a certificate of appealability as to our  
July 7, 2010 order.

s/James F. McClure, Jr.  
James F. McClure, Jr.  
United States District Judge